

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

<p>LITTLE GIANT LADDER SYSTEMS, LLC, a Utah company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>TRICAM INDUSTRIES, INC., a Minnesota corporation,</p> <p>Defendant.</p>	<p>Case No. 0:20-cv-02497-KMM-ECW</p> <p style="text-align:center">PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY RE: CLAIM CONSTRUCTION</p>
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Plaintiff Little Giant Ladder Systems, LLC (“Plaintiff” or “Little Giant”) respectfully notifies the Court of a recent claim construction decision from the Federal Circuit in *Genuine Enabling Tech. LLC v. Nintendo Co.*, __ F.4th __, 2022 U.S. App. LEXIS 8708 (Fed. Cir. Apr. 1, 2022) (precedential) (attached). The *Genuine Enabling* decision reversed a district court’s claim construction for (1) finding disclaimers of claim scope from statements in the prosecution history where the statements were “amenable to multiple reasonable interpretations” and not “so unmistakable as to be unambiguous evidence of disclaimer,” *id.* at *17, and (2) relying on expert testimony to justify diverging from the claim construction “mandated by the claims themselves, the written description, and the prosecution history, in other words, with the written record of the patent,” *id.* *14-*16, *20. This decision is relevant to arguments asserted in connection with at least the “cavity” and “retaining mechanism” limitations. *Compare Genuine Enabling* at *17-19 with ECF 70 at 12-13; ECF 72 at 11-14; ECF 79 at 2-7; ECF 81 at 7-

8; and compare *Genuine Enabling* at *14-16, *20 with ECF 70 at 17-19; ECF 79 at 8-10; ECF 81 at 9-15.

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By: /s/ Mark A. Miller

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